



Appeal Decision

Site visit made on 7 January 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2026

Appeal Ref: APP/U1430/W/25/3372099

Downash Wood Treehouses, Tinkers Lane, Ticehurst, East Sussex TN5 7LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs S Jones of Downash Wood Treehouses against the decision of Rother District Council.
- The application Ref is RR/2025/36/P.
- The development proposed is change of use of land to enable one additional lodge.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs against the Council is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner heading above is taken from the application form. I note that both the decision notice and appeal form describe it as the erection of one additional lodge. The submissions are clear that the description in the banner heading is more accurate.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the High Weald National Landscape (the NL).

Reasons

5. The appeal site is in the centre of a rural landholding of some 13.5 ha, upon which are located six holiday-let lodges; two are elevated in the style of treehouses, four rest on the ground. There are also two maintenance huts, a vehicular access and parking area, and a series of simple footpath tracks connecting the elements described above. Otherwise, the landholding, including the site, is largely undeveloped and is part of a wider, bucolic countryside setting.
6. The northern extreme of the site comes within some 17m of the edge of the landholding. Beyond this is a cycling and walking path (the footpath) that runs around the outside of Bewl Water, a large reservoir.
7. The site, the landholding, and Bewl Water are in the NL. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires me to seek to further the purpose of conserving and enhancing the natural beauty of the NL. In

addition, the National Planning Policy Framework (the Framework) requires that I give great weight to conserving and enhancing landscape and scenic beauty in NLs, which have the highest status of protection in relation to these issues.

8. The Planning Practice Guidance sets out the relevance of management plans for NLs; Whilst not part of the development plan, they help set out the strategic context for development and provide evidence of the value and special qualities of these areas. The High Weald AONB Management Plan (2024-29) (the NLMP) is therefore a material consideration.
9. The NLMP defines the core character components of the NL's natural beauty as including its aesthetic and perceptual qualities. Within this are the notions of a deep sense of rurality unusual in South East England, quietude and tranquillity, opportunities for immersion in nature, and large areas of natural rural soundscape and perceived distance from urban noise. Issues facing the NL include increasing visitor numbers leading to urbanising infrastructure around popular sites, and the erosion of rurality and tranquillity through urbanising development, including new camping/glamping accommodation and activity.
10. The reservoir results in a body of inland water on a visually striking scale, enclosed by a patchwork of fields and belts of dense woodland. Whilst, as I shall address later, there are some built features around the water's edge, it is nevertheless mainly undeveloped. The combination of the open water and unspoiled natural backdrop provide arresting, picturesque vistas readily appreciable from around the footpath. The area strongly exhibits core character components of the NL's natural beauty in that it possesses a deep sense of rurality, quietude and tranquillity, allows immersion in nature and a perceived distance from urban noise. The appeal site and the part of the landholding between it and the footpath both adhere and contribute to the wider local characteristics described above, in that they are largely undeveloped and naturalistic.
11. It is proposed to place on the site a single storey cabin (the cabin) some 3.2m tall, including a wheeled chassis. The appeal site is separated from the footpath by little more than a low post and rail fence. The site is at the edge of a densely wooded section of the landholding, but the area broadly northwest of it is largely open, comprising grassy scrubland. As a result of these features the cabin would be visible, at least in part, from the footpath. It would be most noticeable in winter, but I have little reason to believe that it would be wholly screened from view at other times of the year.
12. The cabin would be timber clad, and loosely based on a traditional shepherd's hut, albeit larger. Given this, I see little reason to find that, in general terms, the design and appearance of the cabin would be out of place in a rural setting such as the appeal site.
13. Even so, and whether or not it would be visible from the water itself, the cabin would be eye catching in eastward views along the footpath. It would be incongruous in what is otherwise a visibly undeveloped area extending some 85m into the landholding. It would also be visible from within the site and the landholding, from where its proximity to the water is easily established.
14. The cabin would be an embodiment, even if only on a modest scale, of urbanising infrastructure around a popular site in the NL, and of the erosion of rurality and tranquillity through new camping/glamping accommodation and activity, which the

NLMP explicitly cites as issues facing the NL. Its evident presence in an otherwise undeveloped area would disrupt the deep sense of rurality, quietude and tranquillity in the NL, which is currently a feature of the footpath, thereby interrupting the opportunity for immersion in nature. Given the absence of intervening features and the quiet nature of the area, it would also possess the potential to undermine the existing perceived distance from urban noise.

15. The landholding is already used for recreation in the form of the six existing lodges, all of which result from planning permission being granted either at appeal or by the Council. I recognise that onlookers may consider the cabin in that context. Even so, the existing lodges are far further from the water, and do not intrude upon the undeveloped nature of the land around the footpath to the same degree as the appeal scheme would.
16. The appellant informs me there are numerous examples of tourist accommodation considerably closer to the water's edge than the cabin would be. However, I have been provided with so few details of these that I cannot appraise whether they are comparable to the appeal scheme. They carry little weight in my determination, therefore.
17. I have been provided with proposals for new landscaping between the site and the footpath. It is not clear that the proposed planting would reach sufficient maturity to screen views of the cabin for some considerable time, or that it would be comprehensive in that respect.
18. What is more, the proposed landscaping is intended to supplement nearby existing greenery; A combination of both would be relied upon to screen views of the cabin. I have little reason, however, to feel that existing nearby greenery will always remain in its current form; if it were to reduce or alter for any reason, such as through disease or storm fall, the proposed landscaping may become wholly inadequate to screen the cabin. Overall, I therefore attach little weight to the proposed landscaping.
19. Taking all of the above into account, the proposed development would harm the character and appearance of the area, including the NL. As such, the appeal scheme conflicts with Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan (2019) and Policy R1 of the Ticehurst Neighbourhood Plan (2019) (the NP), which require development to maintain and reinforce natural and built landscape character, conserve and seek to enhance the landscape and scenic beauty of the NL, and contribute positively to the character of the site and surroundings. It would not conserve or enhance landscape and scenic beauty in the NL and would not further the purposes of conserving and enhancing the natural beauty of the NL.

Other Matters

20. I have described the relationship between the site and the water above. Whether or not the site may reasonably be considered part of the shoreline has not been a factor in my determination, as that is not an operative term in the relevant policies.
21. The main parties have advanced arguments regarding whether the appeal scheme includes permanent development. Whilst the cabin itself may be movable, the proposed change of use of the land would be permanent. I have little reason to believe that the lodge would, or even could, be removed from the site for parts of

the year, and have made my determination on the basis that its presence at the site would be a permanent feature in the landscape.

22. The appellants appear to have undertaken notable works to care for the land. Whilst I have no reason to doubt that they would continue to do so as part of the appeal scheme, I also see no reason to believe that the land would fall into a problematic condition otherwise, and so have not factored their positive stewardship of the landholding into my determination.
23. The decision notice states that the proposal conflicts with paragraph 4.14 of the NP. Given my findings above, I agree that it does. The appellant contends that this paragraph supports NP Policy R2, which pertains to development within an area defined as the Ticehurst - Flimwell Green Gap. That area does not include the appeal site. I have no counter argument from the Council on this point. I have reached my conclusion in respect of the main issue above without reference to the cited paragraph.
24. The decision notice describes the appeal scheme as overdevelopment of the site, and the main parties have both advanced arguments on this point. Having found the scheme harmful following an assessment of its individual merits against the relevant policies, I have not found it necessary to consider whether a wider threshold of development at the site would also have been crossed.

Balance and Conclusion

25. As an enhancement to existing tourism activities and facilities the appeal scheme has the support of strategic policies and is acceptable in principle. It would bring economic benefits in the short term through the construction process and in the long term for nearby local businesses, for whom custom may increase. It would also support and develop the appellant's business on the landholding, which appears to be well established and successful. These aspects attract positive weight, but only to a modest degree given the scale of the proposal.
26. Overall, the benefits of the scheme do not, given the great weight the Framework requires me to give to conserving and enhancing the landscape and scenic beauty of the NL, outweigh the identified harms. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
27. The appeal is dismissed.

A Knight

INSPECTOR